

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 5, 1991

ALL COUNTY LETTER NO. 91-12

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF FOOD STAMP CLEAN-UP NO. 2
PROVISIONS - RDB #0690-27

This letter provides County Welfare Departments (CWDs) with information regarding the implementation of Food Stamp Program changes contained in the above referenced regulations. These regulations have been filed with the Office of Administrative Law and are expected to be effective March 1, 1991.

The revisions contained in this regulation package clarify and make technical changes to existing regulations. Following is a summary of the significant changes:

o Definition of Commercial Boarding House (M.S. 63-102 c (5))

This section was revised to clarify that residents of a commercial boarding house are not eligible to participate in the Food Stamp Program. The term "profit" was also added to clarify the definition of a commercial boarding house.

o Definition of Institution of Higher Education (M.S. 63-102 i (5))

The current definition can be interpreted to mean that a community or junior college is not an "institution of higher education" because it does not meet the criterion of requiring a high school diploma or equivalency certificate for enrollment. The definition was clarified to specifically include these schools as institutions of higher education.

o Written Receipt for CWD-Requested Documents (M.S. 63-300.6)

This section incorporates the provisions contained in the Welfare and Institutions Code Section 11023.5 (Chapter 1036, Statutes of 1987) into Food Stamp Program regulations.

Upon request, CWDs must provide a written receipt when an applicant or recipient delivers in person CWD-requested documents to the district office in which his/her caseworker conducts business. The receipt must be provided only when the documents are delivered to a CWD employee other than the assigned caseworker. Additionally, the CWDs must post a notice of the applicant's or recipient's right to a receipt (PUB 170 (12/87), "Receipts for Documents").

CWDs which already have logging systems for hand delivered documents are exempt from these requirements, and those already providing receipts on a routine basis need not post the notice. Only one receipt is required for monthly reports and their supporting documents.

This provision was implemented by ACL No. 88-09, dated January 20, 1988.

o Households Living Together (M.S. 63-402.213)

The "example" part of this section was removed and made into a handbook section. Another example of a household forced to move in with another individual or family due to temporary loss of income was deleted because it implied granting of separate household status when the household is not in fact purchasing and preparing separately from the individual or family that took them in. Correct policy on separate household status is that one must purchase and prepare meals separately in all circumstances except when a disabled elderly parent wishes to be separate from those providing the meals (i.e., the 165% of poverty test, M.S. 63-402.16.)

o Residents of Institutions (M.S. 63-402.4)

Currently, only residents of federally subsidized housing for the elderly, constructed either under Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act, are allowed to participate in the Food Stamp Program. All other persons living in this type of housing have been considered residents of institutions and, therefore, ineligible. This provision removes this restriction, allowing residents of ANY federally subsidized housing for the elderly to participate in the Food Stamp Program.

This provision also clarifies that, since commercial boarding houses are considered institutions, residents of these facilities are ineligible to participate in the Food Stamp Program.

o Definition of Striker (M.S. 63-402.8)

The current definition of a striker allows an individual permanently replaced by his/her employer to be classified as a striker. This revision specifically excludes these individuals from being considered strikers. This provision applies even if the employer offers these individuals other jobs.

o Student Eligibility Requirements (M.S. 63-406.21)

M.S. 63-406.21 currently requires that a student meet at least one of the eligibility criteria on the date of application. To be consistent with the regulations relative to application processing, this was changed so that students must meet the student eligibility criteria as of the date of interview.

o Standard Utility Allowance (SUA) (M.S. 63-502.352(a)(3))

This regulation provides that when two or more Food Stamp households share living expenses, a portion of the Standard Utility Allowance (SUA) and actual utility expenses may not be combined as the total amount of utility deductions used for each household may exceed the actual cost of utilities for the residence.

For example, two Food Stamp households live in the same residence and share utility expenses (i.e., percentage of bill). Based on this regulation, each household may either claim actual utility costs or a prorata share of the SUA. However, one household may not choose to claim actual expenses in conjunction with the second household's claim for a prorata share of the SUA because the possibility exists that the combination of the two deductions may exceed the total utility costs for the residence.

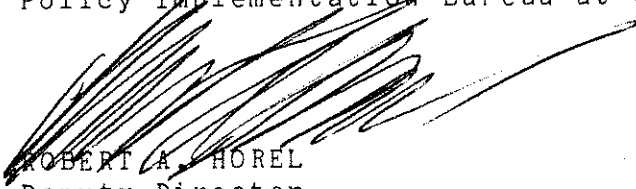
This provision was implemented in ACL 89-93, dated September 19, 1989, and was further clarified in ACL 90-113, dated November 16, 1990.

o Suspension of Certain Error Claims (M.S. 63-801.512)

This regulation allows CWDs, after one demand letter has been sent, to suspend collection action against a nonparticipating household for an inadvertent household error claim or an administrative error claim when that

household cannot be located. In addition, administrative error claims against both participating and nonparticipating households may be suspended when the cost of further collection action exceeds the amount to be recovered.

If you have any questions regarding the collection action, please contact the Overpayment Recovery Bureau at (916) 322-5387. All other questions should be directed to Michael Jones, Welfare Policy Implementation Bureau at (916) 323-0119.



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Deputy Director

cc: CWDA